



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jan O. Solem, et al.
Application No. : 09/775,677
Filed : February 5, 2001
Title : METHOD AND DEVICE FOR TREATMENT OF MITRAL
INSUFFICIENCY

Grp./Div. : 3738
Examiner : Urmi Chattopadhyay

Docket No. : ECV 597CIP/49988/MEG/E303

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**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
March 11, 2004

Commissioner:

I hereby certify that I am the attorney of record in this application and am authorized to execute this disclaimer on behalf of the assignee; and I further certify that the evidentiary documents have been reviewed and that assignee, to the best of my knowledge and belief, has title to U.S. Patent Application Serial No. 09/775,677 and U.S. Patent No. 6,210,432.

Edwards Lifesciences AG, a limited liability company incorporated, organized and validly existing under the laws of Switzerland, with its statutory seat in Horw, Switzerland, with address: Au Glapin, 1162 Saint-Prex, Switzerland, represents: (a) that it is the assignee of the entire interest in U.S. patent Application No. 09/775,677, filed February 5, 2001, and entitled METHOD AND DEVICE FOR TREATMENT OF MITRAL INSUFFICIENCY, by virtue of the assignment filed in the United States Patent and Trademark Office at reel 013795; frame 0553; and (b) that it is the assignee of the entire interest in U.S. Patent No. 6,210,432, by virtue of the assignment filed at reel 013795; frame 0553.

Edwards Lifesciences AG hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond

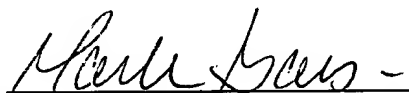
Application No. 09/775,677

the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,210,432. Edwards Lifesciences AG hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By  _____

Mark Garscia

Reg. No. 31,953

626/795-9900

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